

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-10 EA-09 EUR-12
NEA-10 DHA-02 OIC-02 ACDA-10 DPW-01 CIAE-00 PM-04
H-02 INR-07 NSAE-00 NSC-05 PA-02 PRS-01 SP-02
SS-15 ERDA-07 ERDE-00 AID-05 ORM-02 SCA-01
NSCE-00 SSO-00 USIE-00 INRE-00 /137 W
-----031843Z 057777 /50

O R 031632Z JUN 77
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 7919
INFO SECDEF WASHDC IMMEDIATE
JCS WASHDC IMMEDIATE
USMISSION USUN NEW YORK

UNCLAS GENEVA 4398

DOD ALSO PASS TO AF/JA, NAVY JAG, DAJA-IA, DCPA

E.O. 11652: N/A
TAGS: ICRC, PARM, PFOR
SUBJECT: CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW -
PROPOSED RESOLUTION REGARDING FUTURE WORK ON CONVENTIONAL
WEAPONS

1. INFORMAL GROUP CONSISTING OF REPRESENTATIVES FROM
US, FRANCE, FRG, UK, GDR, USSR, YUGOSLAVIA, SWEDEN AND
MEXICO HAVE REACHED GENERAL AGREEMENT ON A DRAFT PROPOSED
CONFERENCE RESOLUTION REGARDING FUTURE WORK ON CONVENTIONAL
WEAPONS. TEXT IS AS FOLLOWS

BEGIN TEXT

THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS.

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HAVING MET AT GENEVA FOR FOUR SESSIONS, IN 1974, 1975, 1976 AND 1977, AND HAVING ADOPTED NEW HUMANITARIAN RULES RELATING TO ARMED CONFLICTS AND METHODS AND MEANS OF WARFARE, CONVINCED THAT THE SUFFERING OF THE CIVILIAN POPULATION AND COMBATANTS COULD BE SIGNIFICANTLY REDUCED IF AGREEMENTS CAN BE ATTAINED ON THE PROHIBITION OR RESTRICTION FOR HUMANITARIAN REASONS OF THE USE OF SPECIFIC CONVENTIONAL WEAPONS,

INCLUDING ANY WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS,

RECALLING THAT THE ISSUE OF PROHIBITIONS OR RESTRICTIONS FOR
HUMANITARIAN REASONS OF THE USE OF SPECIFIC CONVENTIONAL
WEAPONS HAS BEEN THE SUBJECT OF SUBSTANTIVE
DISCUSSION IN THE AD HOC COMMITTEE OF THE CONFERENCE AT ALL
ITS FOUR SESSIONS, AND AT THE CONFERENCES OF GOVERNMENT
EXPERTS HELD UNDER THE AUSPICES OF THE ICRC IN 1974 IN
LUCERNE AND IN 1976 AT LUGANO, AND HAS ALSO BEEN CONSIDERED
BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS,

HAVING CONCLUDED, FROM THESE DISCUSSIONS, THAT AGREEMENT
EXISTS ON THE DESIRABILITY OF PROHIBITING THE USE OF CON-
VENTIONAL WEAPONS, THE PRIMARY EFFECT OF WHICH IS TO INJURE
BY FRAGMENTS NOT DETECTABLE BY X-RAY, AND THAT THERE IS A
WIDE AREA OF AGREEMENT WITH REGARD TO LAND-MINES AND BOOBY-
TRAPS,

HAVING ALSO DEVOTED EFFORTS TO THE FURTHER NARROWING DOWN
OF DIVERGENT VIEWS ON THE DESIRABILITY OF PROHIBITING OR

RESTRICTING THE USE OF INCENDIARY WEAPONS, INCLUDING NAPALM,

HAVING ALSO CONSIDERED THE (EFFECTS OF) (POSSIBILITIES
OF RESTRICTING) THE USE OF OTHER CONVENTIONAL WEAPONS, SUCH
AS SMALL CALIBRE PROJECTILES AND CERTAIN BLAST AND
FRAGMENTATION WEAPONS,

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RECOGNIZING THAT IT IS IMPORTANT THAT THIS WORK CONTINUE
AND BE PURSUED WITH THE URGENCY REQUIRED BY EVIDENT
HUMANITARIAN CONSIDERATIONS,

BELIEVING THAT FURTHER WORK SHOULD BOTH BUILD UPON THE AREAS
OF AGREEMENT THUS FAR IDENTIFIED AND INCLUDE THE SEARCH
FOR FURTHER AREAS OF AGREEMENT AND SHOULD, IN EACH CASE,
SEEK THE BROADEST POSSIBLE AGREEMENT,

1. RESOLVES TO SEND THE REPORT OF THE AD HOC COMMITTEE AND
THE PROPOSALS PRESENTED IN THAT COMMITTEE TO THE GOVERN-
MENTS OF STATES REPRESENTED AT THE CONFERENCE AND TO THE
SECRETARY GENERAL OF THE UNITED NATIONS;

2. REQUESTS THAT SERIOUS AND EARLY CONSIDERATION BE GIVEN
TO THESE DOCUMENTS AND TO THE REPORTS OF THE CONFERENCES
OF GOVERNMENT EXPERTS OF LUCERNE AND LUGANO;

3. RECOMMENDS THAT A CONFERENCE OF GOVERNMENTS SHOULD BE

CONVENED NOT LATER THAN 1979 WITH A VIEW TO REACHING:

(A) AGREEMENTS ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF SPECIFIC CONVENTIONAL WEAPONS INCLUDING THOSE WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR HAVE INDISCRIMINATE EFFECTS, TAKING INTO ACCOUNT HUMANITARIAN AND MILITARY CONSIDERATIONS; AND

(B) AGREEMENT ON A MECHANISM FOR THE REVIEW OF ANY SUCH AGREEMENTS AND FOR THE CONSIDERATION OF PROPOSALS FOR FURTHER SUCH AGREEMENTS;

4. URGES THAT CONSULTATIONS BE UNDERTAKEN PRIOR TO THE CONSIDERATION OF THIS QUESTION AT THE 32ND SESSION OF THE UNGA FOR THE PURPOSE OF REACHING AGREEMENT ON THE STEPS TO BE TAKEN IN PREPARATION FOR THE CONFERENCE,
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5. RECOMMENDS THAT A CONSULTATIVE MEETING OF ALL INTERESTED GOVERNMENTS BE CONVENED DURING SEPTEMBER-OCTOBER 1977 FOR THIS PURPOSE.

6. RECOMMENDS THAT THE STATES PARTICIPATING IN THESE CONSULTATIONS SHOULD CONSIDER INER ALIA THE ESTABLISHMENT OF A PREPARATORY COMMITTEE WHICH WOULD SEEK TO ESTABLISH THE BEST POSSIBLE BASIS FOR THE ACHIEVEMENT AT THE CONFERENCE OF AGREEMENTS AS ENVISAGED IN THIS RESOLUTION;

7. INVITES THE GENERAL ASSEMBLY OF THE UNITED NATIONS AT ITS THIRTY-SECOND SESSION, IN THE LIGHT OF THE RESULTS OF THE CONSULTATIONS UNDERTAKEN PURSUANT TO PARAGRAPH 4 OF THIS RESOLUTION, TO TAKE ANY FURTHER ACTION THAT MAY BE NECESSARY FOR THE HOLDING OF THE CONFERENCE IN 1979.

END TEXT

2. PROPOSAL APPEARS TO MEET US POSITION. IN VIEW OF CONFERENCE PLENARY SCHEDULE TO ADDRESS RESOLUTIONS ON TUESDAY, JUNE 7, IT IS REQUESTED THAT COMMENTS AND/OR CONCURRENCE BE PROVIDED TO ARRIVE NOT LATER THAN 0800 HOURS GENEVA TIME ON JUNE 7. SORENSEN

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INTERNATIONAL LAW, HUMAN RIGHTS, AGREEMENT DRAFT, CONVENTIONAL WARFARE
Control Number: n/a
Copy: SINGLE
Sent Date: 03-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA04398
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770198-1025
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770694/aaaadely.tel
Line Count: 163
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0869c785-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2292691
Secure: OPEN
Status: NATIVE
Subject: CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW - PROPOSED RESOLUTION REGARDING FUTURE WORK ON CONVENTIONAL WEAPONS
TAGS: PARM, PFOR, ICRC
To: STATE USUN
Type: TE
vdkgwkey: odbc://SAS/SAS.dbo.SAS_Docs/0869c785-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009